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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
9319S-0000552

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Application Number
10/666,855

Filed
September 19, 2003

On _____

First Named Inventor
Hiroshi WADA

Signature _____

Art Unit
2629

Examiner
Seokyun Moon

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

/Bryant E. Wade/
Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34 _____

July 28, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/666,855
Filing Date: September 19, 2003
Applicant: WADA, Hiroshi
Group Art Unit: 2629
Examiner: MOON, Seokyun
Title: LIQUID CRYSTAL DEVICE, METHOD FOR DRIVING
THE LIQUID CRYSTAL DEVICE AND ELECTRONIC
EQUIPMENT
Attorney Docket: 9319S-0000552

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

In conjunction with Applicant's Pre-Appeal Brief Request for Review, Applicants contend that the cited prior art does not teach the elements of the presently pending claims, and that the combination or modification of the cited prior art references do not yield the elements of the presently pending claims because the combination or modification of the cited prior art references fail to teach or suggest all the elements of the presently pending claims.

STATUS OF CLAIMS

Claims 1, 3, 4, 6, 7 and 9-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,806,938 (hereinafter Asakura); claims 2, 8, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asakura in view of U.S.

Pat. No. 6,236,385 (hereinafter Nomura); and claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Asakura in view of U.S. Pat. No. 6,181,406 (hereinafter Morimoto). These rejections are respectfully traversed.

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1 and 11 are directed to liquid crystal devices, and claim 7 is directed to a method for driving a liquid crystal device. Each of the liquid crystal devices includes a first substrate and a second substrate that faces the first substrate through a sealing material. Pixels corresponding to intersections of a plurality of first electrodes on the first substrate and a plurality of second electrodes on the second substrate are turned on or off in accordance with voltages applied to the first electrodes and the second electrodes. Wiring lines are provided on the second substrate and each corresponds to one of the first electrodes on the first substrate. The wiring lines are connected to the first electrodes and each has a part extending in a display area surrounded by a frame area that does not contribute to display such that the frame area is arranged outside the sealing material. Each wiring line intersects at least one first electrode other than the corresponding first electrode at intersecting sections in the display area.

Each of the first electrodes is supplied with a first voltage through the corresponding wiring line when selected. Each the first electrodes is also supplied with a second voltage through the corresponding wiring line when not selected. A first effective value of a voltage applied to the liquid crystals at the intersecting sections is smaller than a second effective value of a voltage applied to a pixel for turning on the pixel. The first effective value is based on a difference between the first voltage and the second voltage. The second effective value is based on a difference between the first voltage and a voltage supplied to one of the second electrodes for turning on a pixel.

ARGUMENT

Claims 1, 7 and 11 all recite that each wiring line intersects at least one first electrode other than the corresponding first electrode at intersecting sections in the display area. This is illustrated at, for example, Figure 3 and identified with reference numeral 4. Because of the intersecting sections, each of the first electrodes is supplied with a first voltage through the corresponding wiring line when selected. Each of the first electrodes is also supplied with a second voltage through the corresponding wiring line when not selected.

A first effective value of a voltage applied to the liquid crystals at the intersecting sections is smaller than a second effective value of a voltage applied to a pixel for turning on the pixel. The first effective value is based on a difference between the first voltage and the second voltage. The second effective value is based on a difference between the first voltage and a voltage supplied to one of the second electrodes for turning on a pixel. According to the claimed arrangement, the intersecting sections are prevented from “lighting up” in the display area and detracting from a quality display.

The Final Office Action alleges that the above structure is disclosed by Asakura. Please see Figure 1A of Asakura. Although Asakura is silent with respect to the types of voltages applied to the electrodes through the wiring lines, the Final Office Action alleges that the application of the claimed voltages is inherent in Asakura because “the liquid crystal particles located at the boundary of the area 3 are directly effected [sic] by the voltage difference between the wiring 5 and the common electrode 4 as well as the voltage difference between the segment electrode 10 and the common electrode 4.” Please see page 4 of the Final Office Action and its corresponding Drawing 2. The allegation of inherency, however, is **clear error**.

More specifically, “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or

characteristic.” *In re Rijckaert*, 9 F.3d 1531, 1534; 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art). Here, the only basis for assuming that the voltages applied in Asakura are similar to the claimed voltages comes from the teachings of the claimed invention. That is, Asakura is completely silent with respect to what types of voltages are applied to the electrodes 4 and 10, and whether a first effective value of a voltage applied to the liquid crystals at the intersecting sections is smaller than a second effective value of a voltage applied to a pixel for turning on the pixel, wherein the first effective value is based on a difference between the first voltage and the second voltage. Because Asakura is completely silent with respect to these voltages, Applicant respectfully asserts that the Final Office Action basis for inherency is not what is disclosed by Asakura. This is impermissible and clear error.

Additionally, Applicant respectfully asserts that Asakura is completely silent with respect to any teaching or suggestion that “intersecting sections” between a wiring line and an electrode may be present in the display area and cause “light ups” that detract from display quality. In contrast, the only basis for this allegation comes from the teachings of the claimed invention. Accordingly, Applicant again respectfully asserts that the Final Office Action’s basis for inherency is not what is disclosed by Asakura. This is impermissible and clear error.

Lastly, Applicant respectfully asserts that “[t]o serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *Continental*

Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1268; 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

Here, however, the only extrinsic evidence in the record is mere allegation by the Final Office Action. As stated above, however, [t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” *In re Rijckaert*, 9 F.3d 1531, 1534; 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Accordingly, because there is no extrinsic evidence in the record that Asakura would operate as alleged by the Final Office Action, Applicant respectfully asserts that finding claims 1, 7, 11, and each corresponding dependent claim anticipated is **clear error**.

Respectfully submitted,

Dated: July 28, 2008

By: /Bryant E. Wade/
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